



# Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Seventeenth Meeting Day

Tuesday Afternoon

February 11, 2003

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Reverend Jeff Sexton, First Baptist Church, Martinsville, the guest of Representative Ralph M. Foley.

The Pledge of Allegiance to the Flag was led by Representative Foley.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Moses
Buck	Murphy
Budak	Neese
Buell	Noe
Burton	Orentlicher
Cheney	Oxley
Cherry	Pelath
Chowning	Pflum
Cochran	Pierce
Crawford	Pond
Crooks	Porter
Day	Reske
Denbo	Richardson
Dickinson	Ripley
Dobis	Robertson
Duncan	Ruppel
Dvorak	Saunders
Espich	Scholer
Foley	V. Smith
Frenz	Stevenson
Friend	Stilwell
Frizzell	Stine
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer
Heim	Weinzapfel
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount
Koch	Mr. Speaker

Roll Call 74: 100 present. The Speaker announced a quorum in attendance.

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 13, 2003, at 1:30 p.m.

GOODIN

Motion prevailed.

## HOUSE BILLS ON SECOND READING

### House Bill 1325

Representative Goodin called down House Bill 1325 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Joint Resolution 6

Representative Kruse called down House Joint Resolution 6 for second reading. The joint resolution was read a second time by title.

## HOUSE MOTION (Amendment 6-1)

Mr. Speaker: I move that House Joint Resolution 6 be amended to read as follows:

Page 5, line 5, delete "**fourth (1/4)**" and insert "**fifth (1/5)**".

Page 5, line 8, delete "**fourth (1/4)**" and insert "**fifth (1/5)**".

Page 5, line 11, delete "**fourth (1/4)**" and insert "**fifth (1/5)**".

Page 5, line 14, delete "**fourth (1/4)**" and insert "**fifth (1/5)**".

Page 5, between lines 16 and 17, begin a new line block indented and insert:

**"One fifth (1/5) of the offices for justices on the Supreme Court and judges on the Court of Appeals shall be subject to election in 2016."**

(Reference is to HJR 6 as printed February 7, 2003.)

THOMPSON

Motion prevailed. The joint resolution was ordered engrossed.

### House Joint Resolution 9

Representative C. Brown called down House Joint Resolution 9 for second reading. The joint resolution was read a second time by title. There being no amendments, the joint resolution was ordered engrossed.

### House Bill 1218

Representative Grubb called down House Bill 1218 for second reading. The bill was reread a second time by title.

## HOUSE MOTION (Amendment 1218-3)

Mr. Speaker: I move that House Bill 1218 be amended to read as follows:

Page 10, line 19, delete "March 1, 2004," and insert "**May 1, 2003,**".

Page 10, line 26, delete "March 1, 2004," and insert "**May 1, 2003,**".

Page 11, line 3, strike "March" and insert "**May**".

Page 11, line 3, delete "2004." and reset in roman "2003.".

Page 11, line 22, delete "March 1, 2004," and insert "**May 1, 2003,**".

Page 12, line 39, delete "March 1, 2004," and insert "**May 1, 2003,**".

Page 13, line 37, strike "March" and insert "**May**".

Page 13, line 37, delete "2004." and reset in roman "2003.".

Page 15, line 34, delete "(e)" and insert "(f)".  
(Reference is to HB 1218 as reprinted February 5, 2003.)  
GRUBB

Motion prevailed. The bill was ordered engrossed.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1019

Representative Frenz called down Engrossed House Bill 1019 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage.

#### HOUSE MOTION

Mr. Speaker: I move that Engrossed House Bill 1019 be made a special order of business until a revised fiscal impact statement is available.

TURNER

Motion failed.

The question then was, Shall the bill pass? Representative Murphy was excused from voting.

Roll Call 75: yeas 57, nays 40. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller, C. Lawson, and Gard.

### Engrossed House Bill 1021

Representative V. Smith called down Engrossed House Bill 1021 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Turner was excused from voting.

Roll Call 76: yeas 53, nays 45. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor to be named.

### Engrossed House Bill 1102

Representative Koch called down Engrossed House Bill 1102 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 77: yeas 94, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long and Broden.

### Engrossed House Bill 1154

Representative Hasler called down Engrossed House Bill 1154 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 78: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor:

Senator Clark.

### Engrossed House Bill 1213

Representative Fry called down Engrossed House Bill 1213 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 79: yeas 69, nays 29. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul and Lanane.

### Engrossed House Bill 1215

Representative Fry called down Engrossed House Bill 1215 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 80: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul and Lanane.

### Engrossed House Bill 1222

Representative Bottorff called down Engrossed House Bill 1222 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 81: yeas 94, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lewis and Skillman.

### Engrossed House Bill 1324

Representative Goodin called down Engrossed House Bill 1324 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 82: yeas 76, nays 22. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley and Lewis.

### Engrossed House Bill 1331

Representative T. Adams called down Engrossed House Bill 1331 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 83: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Meeks and Sipes.

**Engrossed House Bill 1335**

Representative T. Adams called down Engrossed House Bill 1335 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 84: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor to be named.

**Engrossed House Bill 1345**

Representative Kromkowski called down Engrossed House Bill 1345 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 85: yeas 94, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor to be named.

**Engrossed House Bill 1402**

Representative V. Smith called down Engrossed House Bill 1402 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 86: yeas 66, nays 30. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor to be named.

**Engrossed House Bill 1561**

Representative Herrell called down Engrossed House Bill 1561 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 87: yeas 95, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Clark, Drozda, Craycraft, and Broden.

**Engrossed House Bill 1619**

Representative L. Lawson called down Engrossed House Bill 1619 for third reading:

A BILL FOR AN ACT concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 88: yeas 83, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lubbers and Lanane.

**Engrossed House Bill 1627**

Representative Mahern called down Engrossed House Bill 1627

for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 89: yeas 63, nays 36. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor to be named.

**OTHER BUSINESS ON THE SPEAKER'S TABLE****MESSAGE FROM THE SENATE**

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 86, 186, 207, 209, 251, 259, 261, 262, 286, 363, 410, 422, 429, 437, 479, and 519 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

**PETITION TO CHANGE VOTING RECORD**

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1324, Roll Call 82, on February 11, 2003. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, the machine did not register my vote; I intended to vote yea."

DICKINSON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 82 to 76 yeas, 22 nays.*]

**PETITION TO CHANGE VOTING RECORD**

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1561, Roll Call 87, on February 11, 2003. In support of this petition, I submit the following reason:

"I was present, but when I attempted to vote, the voting machine had already been closed. I intended to vote yea."

THOMAS

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 87 to 95 yeas, 2 nays.*]

**HOUSE MOTION**

Mr. Speaker: I move that Representative Bischoff be added as coauthor of House Bill 1005.

LYTLE

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that Representative Dvorak be added as coauthor of House Bill 1154.

HASLER

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that Representatives Reske and Borrer be added as coauthors of House Bill 1175.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Robertson be added as coauthor of House Bill 1213.

FRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lytle be added as coauthor of House Bill 1222.

BOTTORFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Robertson be added as coauthor of House Bill 1324.

GOODIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Alderman and Herrell be added as coauthors of House Bill 1335.

T, ADAMS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe be added as coauthor of House Bill 1528.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Alderman be added as coauthor of House Bill 1562.

MOSES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Scholer be added as coauthor of House Bill 1577.

DAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Becker be added as coauthor of House Bill 1661.

DAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Buell and Austin be added as coauthors of House Bill 1708.

KLINKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bischoff be added as coauthor of House Bill 1736.

LYTLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lytle be added as coauthor of House Bill 1844.

RUPPEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ruppel and LaPlante be added as coauthors of House Bill 1873.

WEINZAPFEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative D. Young be added as coauthor of House Bill 1935.

OXLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pelath be added as coauthor of House Joint Resolution 6.

KRUSE

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Kuzman, the House adjourned at 5:00 p.m., this eleventh day of February, 2003, until Thursday, February 13, 2003, at 1:30 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives